



Department of Health

ANDREW M. CUOMO
Governor

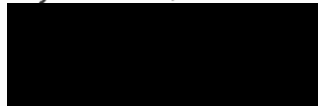
HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

April 5, 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Syed Kazmi, M.D.



Marc S. Nash, Esq.
Bureau of Professional Medical Conduct
Corning Tower, Empire State Plaza
Albany, New York 12237-0032
HAND DELIVERED

RE: In the Matter of Syed Kazmi, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No.18-081) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,


James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: cac
Enclosure

STATE OF NEW YORK: DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

In the matter of

Syed Kazmi, M.D.
NYS license # 252706

Determination
and Order

18-081

A notice of referral proceeding and statement of charges, both dated January 17, 2018, were served on Respondent Syed Kazmi, M.D. The statement of charges alleged professional misconduct in violation of New York State Education Law 6530. A hearing was held at offices of the New York State Department of Health, 259 Monroe Avenue, Rochester, New York, on March 14, 2018.

Pursuant to Public Health Law 230(10)(e), Charles J. Vacanti, M.D., Chairperson, Paul C. Harrington, M.D., and Paul J. Lambiase, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee. John Harris Terepka, Administrative Law Judge, served as the administrative officer.

The Department of Health (the Petitioner) was represented by Marc S. Nash, Esq. Syed Kazmi, M.D. (the Respondent) did not appear, although duly served with notice of the hearing in conformity with the requirements of PHL 230(10)(d). (Exhibits 2, 3.) Evidence was received and a transcript of the proceedings was made. After consideration of the entire record, the hearing committee issues this determination and order sustaining the charges and revoking the Respondent's license to practice medicine.

JURISDICTION

As is set forth in Public Health Law 230(1)&(7) and Education Law 6530, the legislature created the State Board for Professional Medical Conduct in the Department of Health and authorized it to conduct disciplinary proceedings in matters of professional medical conduct. In this case, the Respondent, a physician, has been charged with misconduct pursuant to Ed.L 6530(9)(d).

Pursuant to PHL 230(10)(p), a hearing on circumscribed issues, or "direct referral proceeding," is authorized when a licensee is charged solely with a violation of Ed.L 6530(9). Charges of misconduct under Ed.L 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, establishing conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or administrative determination and if so, to a determination of the nature and severity of the penalty to be imposed. PHL 230(10)(p). Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

EVIDENCE

Witnesses for the Petitioner:	None
Petitioner exhibits:	1 - 7

Witnesses for the Respondent:	None
Respondent exhibits:	None

A transcript of the hearing was made.

FINDINGS OF FACT

1. Respondent Syed Kazmi, M.D. was authorized to practice medicine in New York State on April 8, 2009 under license number 252706. (Exhibit 5.)

2. On September 9, 2009, the State Medical Board of Ohio permanently denied the Respondent's application for a medical license because he made numerous false statements on the application. (Exhibit 6.)

3. On October 5, 2012, the Illinois Department of Professional Regulation suspended the Respondent's medical license for no less than one year and seven months on the grounds that he had been disciplined in Ohio and that he had made false statements on his application for an Illinois medical license. (Exhibit 7.)

HEARING COMMITTEE DETERMINATION

Both Ohio and Illinois determined that the Respondent had, for years, engaged in fraud and misrepresentation to state licensing authorities in order to cover up his poor residency and work history. The Ohio Board, after reviewing Respondent's extensive history of misrepresentations, noted "Dr. Kazmi has a long history of false statements throughout his career." (Exhibit 6, page 22.)

The hearing committee unanimously agreed that the Respondent's long history of misrepresentations to medical licensing authorities constitutes professional misconduct under New York Education Law 6530(2), practicing the profession fraudulently; and 6530(20), conduct in the practice of medicine which evidences moral unfitness to practice medicine.

The hearing committee also unanimously determined (3-0) that the Ohio determination denying his application for a medical license, and the Illinois determination suspending his medical license, established that the Respondent violated Ed.L 6530(9)(d) which defines professional misconduct, in pertinent part, as:

9. (d) Having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended...by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension

or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license... would, if committed in New York state, constitute professional misconduct under the laws of New York state.

The Respondent was duly served with notice of the hearing but failed to answer the charges or appear at the hearing. (Exhibits 2, 3.) The hearing committee agreed that the evidence amply supported the Petitioner's recommendation that the Respondent's license be revoked. The Respondent failed to appear or to offer any argument or evidence to persuade the committee to a different conclusion.

The hearing committee's vote sustaining the charge and revoking the Respondent's license was unanimous (3-0).

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in New York State is revoked.

This order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required under PHL 230(10)(h).

Dated: Albany, New York

29 March 2018

By:


Charles J. Vacanti, M.D., Chair

Paul C. Harrington, M.D.
Paul J. Lambiase

To: Marc S. Nash, Esq.
Bureau of Professional Medical Conduct
Corning Tower, Empire State Plaza
Albany, New York 12237-0032

Syed Kazmi, M.D.


APPENDIX I

IN THE MATTER
OF
SYED KAZMI, M.D.

STATEMENT
OF
CHARGES

SYED KAZMI, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 8, 2009 by the issuance of license number 252706 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 9, 2009 the State Medical Board of Ohio (Ohio Board) by way of Final Order permanently denied the Respondent's application for a certificate to practice medicine and surgery in Ohio on the basis that Respondent made numerous false statements about his medical education and training history.

B. Respondent's conduct as described above upon which the finding of unprofessional conduct in Ohio was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law §6530(2) (practicing the profession fraudulently or beyond its authorized scope) and/or
2. New York Education Law §6530(20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine)

C. On or about October 5, 2012 the Illinois Medical Disciplinary Board (Illinois Board) by way of Final Order, indefinitely suspended the Respondent's license to practice medicine and surgery for no less than one year and seven months on the basis that the Respondent committed fraud or misrepresentation by making false statements regarding his residency participation, work history and other state licenses when he applied for his Illinois license and had a license to practice the professions disciplined by a sister state, specifically Ohio's denial of his application for a medical license due to false statements he made in the application process.

D. Respondent's conduct as described above upon which the finding of unprofessional conduct in Illinois was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law §6530(2) (practicing the profession fraudulently or beyond its authorized scope) and/or
2. New York Education Law §6530(20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine)

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his

or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(1) and /or (20)) as alleged in the facts of the following:

1. The facts in Paragraph in A, B, and/or C, D.

DATE: January 17, 2018
Albany, New York



Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct